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EXAMINER

DETWILER, BRIAN J

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 14

Application Number: 09/494,690
Filing Date: January 31, 2000
Appellant(s): ANTOSZ, STEVEN

Donald J. Wallace
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 13 January 2004.

(1) *Real Party in Interest*

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A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

No amendment after final has been filed.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

The rejection of claims 2-6, 8-12, and 20 stand or fall together as mentioned in appellant's brief.

(8) *Claims Appealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

6,486,899	Bush, Jr.	11-2002
6,380,951	Petchenkine et al.	4-2002

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 2-6, 8-12, and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,486,899 (Bush, Jr.) and U.S. Patent No. 6,380,951 (Petchenkine et al).

Referring to claims 4 and 10, Bush discloses in columns 1 and 2 a computer implemented apparatus for examining a supply chain. In column 1: lines 25-50, Bush specifically explains how supply chains are typically modeled within manufacturing environments. Complex manufacturing operations inherently comprise a plurality of areas, each being a separate entity of the supply chain. Bush further discloses in column 1: lines 54-64, a presentation interface or template for supplying a workspace to depict a desired supply chain. The workspace is further illustrated in Figure 3 and comprises predefined icons to depict various factors of the supply chain. In column 6: lines 51-62, Bush specifically discloses icons representing factors of an automotive supply chain. As will be understood after further inspection of the invention, Bush focuses purely on the visualization of supply chain logistics. Bush is silent as to the actual construction of supply chain models. In column 3: lines 54-60, Bush states only that a user interface is provided for inputting data. Bush thus fails to disclose a stencil for storing icons associated with the manufacturing areas. Petchenkine, however, discloses in column 1: lines 29-45, a graphical user interface for constructing a workflow operation. Although Petchenkine's invention is directed specifically toward a prepress operation, the interface could be generically applied to any sort of workflow or supply chain management system. A supply chain is merely a macro form of an assembly line in which materials are gathered and assembled to form a final product. The inventions of Bush and Petchenkine are actually quite analogous in that they both provide for the graphic visualization of numerous steps and procedures that make up a much

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more complex operation. In Figure 1, Petchenkine discloses the claimed stencil (modules toolbar [106]) for storing icons associated with different steps in the prepress workflow. Special notice should be taken of how similar the stencil is to Applicant's stencil [10] illustrated in Figures 3-6 and 8. Icons in Petchenkine's invention are dragged from the stencil [106] and dropped into palette [104] to construct the workflow just as Applicant's icons are dragged into the template area to construct a manufacturing operation. Regarding the perspective template, Petchenkine discloses in column 9: lines 25-42 that workflow configurations can be saved as a file and later opened via menu commands or keyboard shortcuts. The saved configurations inherently comprise the plurality of icons that are populated into the workflow framework. Petchenkine states in column 9: lines 31-33 that a user may have one saved configuration, or many, based on needs and preferences. Therefore, in combination with Bush's invention, the saved configurations serve as perspective templates for evaluating manufacturing operations (i.e. different templates can be loaded for different viewpoints into the operation). Furthermore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Petchenkine's interface for constructing a workflow/supply chain model in combination with Bush's supply chain logistics examining program. Since Bush is silent as to how the supply chain models are constructed for display, it would have been beneficial to combine the two inventions to create a single program and interface for constructing and analyzing the logistics of supply chain models. Bush even suggests in column 2: lines 49-54 that his invention could be a part of a larger supply chain management system.

Referring to claims 2 and 8, Petchenkine explains in column 1: lines 37-45 that icons can be dragged from the stencil (modules toolbar [106]) to the template (design palette [104]).

Referring to claims 3 and 9, Bush discloses in Figure 3 icons connected to show a supply chain flow, and Petchenkine discloses in Figure 1 icons connected to show a workflow.

Referring to claims 5 and 11, the icons in the stencil disclosed by Petchenkine represent the process flow of a prepress operation. The different steps of a prepress operation and the icons that represent them are detailed throughout Petchenkine's disclosure.

Referring to claims 6 and 12, because Bush's invention is specifically directed towards the logistics of a supply chain model, it would have been obvious to use the configuration saving method of Petchenkine described above to create a logistics template.

Referring to claim 20, Bush introduces a system for analyzing a supply chain in columns 1 and 2. Bush further explains in column 3: lines 1-10 that one supply chain model "represents the tasks and resources associated with each product in a supply chain, preferably at multiple levels of detail or aggregation." Additionally, Figure 3 illustrates how suppliers can be geographically removed from one another. In column 3: lines 11-34, Bush explains how the system can help optimize the delivery of materials. Figure 2B shows a visual display of a template having a pre-arranged supply chain representation. In column 9: lines 66-67 and column 10: lines 1-6, Bush discloses that the visual display can be manipulated through rearrangement or rotation around an axis. Therefore, in combination with the aforementioned multiple levels of detail, the supply chain model could be configured to provide information about the supply chain in a format oriented to a particular viewpoint of a specific participant in the supply chain. Bush, though, fails to disclose a stencil including a plurality of iconic representations of elements. Petchenkine, however, discloses in column 1: lines 29-45, a graphical user interface for constructing a workflow operation. As discussed above,

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Petchenkin's interface could be generically applied to any sort of workflow or supply chain management system, and the inventions of Bush and Petchenkin are quite analogous in that they both provide for the graphic visualization of numerous steps and procedures that make up a much more complex operation. In Figure 1, Petchenkin discloses the claimed stencil (modules toolbar [106]) for storing icons associated with different steps in the prepress workflow. Icons in Petchenkin's invention are dragged from the stencil [106] and dropped into palette [104] to construct the workflow just as Applicant's icons are dragged into the template area to construct a manufacturing operation. Regarding the perspective template, Bush teaches at least one perspective template since Figure 2B shows a template from a single perspective. Petchenkin's aforementioned method of saving workflow configurations provides further means for establishing templates from a plurality of perspectives. The examiner thus submits that it would have been obvious to one of ordinary skill in the art at the time the invention was made to use Petchenkin's interface for constructing a workflow/supply chain model in combination with Bush's supply chain logistics examining program. Since Bush is silent as to how the supply chain models are constructed for display, it would have been beneficial to combine the two inventions to create a single program and interface for constructing and analyzing the logistics of supply chain models. Bush even suggests in column 2: lines 49-54 that his invention could be a part of a larger supply chain management system as mentioned above.

(11) Response to Argument

In Applicant's "Response to Rejection" it is first said that Bush fails to disclose or suggest a stencil for storing icons associated with the manufacturing areas, a perspective

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template, or a stencil including a plurality of iconic representations of elements for inclusion in a supply chain representation. Applicant further states that Petchenkin fails to disclose a perspective template. Bush's disclosure or lack thereof regarding stencils is irrelevant since this feature is gleaned from the invention of Petchenkin. The disclosure of perspective templates by both Bush and Petchenkin will be addressed below in response to Applicant's more detailed arguments appearing later in the brief.

Applicant's first main issue of contention pertains to the motivation for combining the teachings of Bush and Petchenkin. As discussed in the above rejection, Bush is silent as to how the supply chain models of Figures 2-4 are actually constructed. One could potentially imagine a number of ways for inputting the data to create these models, but the fact remains that there is an inherent requirement for some method of placing the icons and establishing the relationships between the many entities in Bush's supply chain models. After all, the models do not come out of the proverbial "thin air". Petchenkin's method of constructing a workflow operation using a graphical user interface is one solution that is directly applicable to this glaring deficiency of Bush's system. Users of Petchenkin's invention can drag icons that are representative of different steps or procedures from the stencil to the template and establish a plurality of relationships among them. The creation, then, of workflow models is performed in a dramatically simple "What You See Is What You Get" (WYSIWYG) fashion. The prior art thus certainly suggests the desirability of the instant combination as required by *In re Mills*. Regarding Applicant's assertion that Bush fails to reference using a graphical user interface to create supply chain models, the examiner requests that attention be directed to Figure 2A and 3 of Bush wherein the application window comprises "File", "Edit", and "View" menus. Said

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menus are notoriously indicative of the presence of a graphical user interface for interacting with displayed data. Accordingly, the examiner submits that the motivation to combine the teachings of Bush and Petchenkine is well-founded and the rejection under 35 U.S.C. §103(a) is proper for at least these reasons.

Applicant next asserts that even if the references were combined, the combination would fail to anticipate the claimed invention. In particular, Applicant states that Bush fails to teach a graphical method of building a workflow, a perspective template, or a stencil for containing icons, and that Petchenkine fails to teach displaying the output performance of a supply chain or a perspective template. The features of graphically building a workflow and displaying the output performance of a supply chain are limitations specific to the references and have no relevance to the claimed invention. It would appear that by mentioning these features, Applicant is attempting to attack the references individually, which is impermissible for showing nonobviousness as clearly stated by the Federal Circuit. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Again, Bush's disclosure or lack thereof regarding stencils is irrelevant since this feature is gleaned from the invention of Petchenkine. Furthermore, there is no disputing the fact that Petchenkine discloses a stencil for storing icons. Regarding the perspective template, which Applicant states is lacking from both references, the language of claims 4 and 10 only describe it as "having at least one supply chain icon" and "providing a pre-populated framework to evaluate the manufacturing operation." The language of claim 20 describes the template as "having a prearranged supply chain representation, the supply chain representation configured to provide information about the supply chain in a format useful to a particular user or participant in the

supply chain". Applicant's assertion that Bush fails to teach to teach a perspective template because its content and functionality is not affected by changes in orientation is thus without base since this limitation is never claimed. Nowhere in Applicant's disclosure is a perspective template ever defined as a template wherein the content and functionality **must** change with respect to its orientation. In fact, perspective templates are never explicitly defined at all. One can only deduce that a perspective template is merely a template perceived from a particular perspective. Any further limitations on perspective templates must be present in the claims. The examiner thus maintains that Bush and Petchenkine disclose templates that can be classified as being perspective. Bush discloses the best example in Figure 2B wherein a template is illustrated as having at least one supply chain icon, it provides a pre-populated framework to evaluate the manufacturing operation, and it is configured to provide information about the supply chain in a format useful to a particular user or participant in the supply chain (in column 9: lines 66-67 and column 10: lines 1-6, Bush discloses that the visual display can be manipulated through rearrangement or rotation around an axis). Petchenkine's perspective templates require some interpretation, but in combination with Bush's teachings still anticipate the claimed limitations. Petchenkine clearly discloses in Figure 1 a template having at least one icon. Since Petchenkine explains that a template can be saved for later reuse, it can also be said that the template provides a pre-populated framework to evaluate an operation. If one template can be saved, then many templates can inherently be saved from potentially different perspectives. Said saved templates from different perspectives could then be classified as perspective templates that provide information about the supply chain, or operation in Petchenkine's case, in a format useful to a particular user or participant. There are, then, at least two examples of perspective templates in

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the inventions of Bush and Petchenkine, which illustrate how broadly the terminology can be interpreted. The combined teachings of Bush and Petchenkine thus disclose at least all of the features from claims 4, 10, and 20.

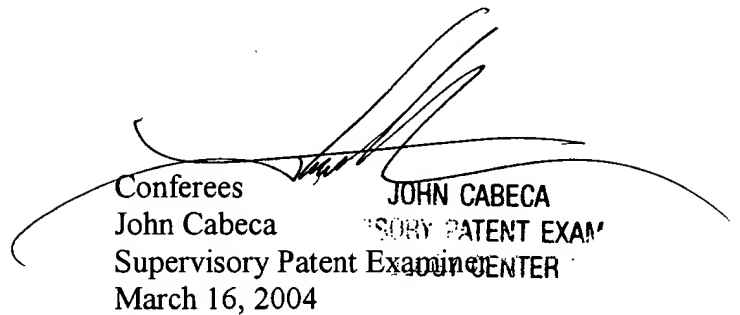
For the above reasons, it is believed that the rejections should be sustained.

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Respectfully submitted,

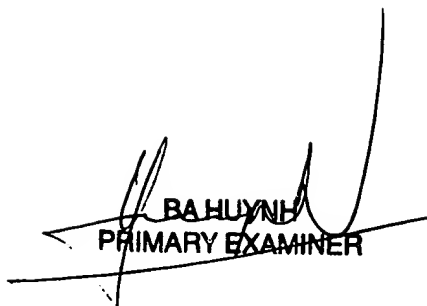


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